

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:

ROBERT GENE ANDERSON  
SSN/ITIN xxx-xx-0567

Debtor.

)  
) Bankr. Case No. 13-10008  
)  
) Chapter 7  
)  
)  
) MOTION FOR TURNOVER  
)  
)

Forrest C. Allred, Chapter 7 Trustee, for his motion for turnover by the Debtor represents:

1. This motion is brought pursuant to 11 U.S.C. §521(a)(4).
2. This court has jurisdiction pursuant to 28 U.S.C. §§1334 and 157.
3. Debtor filed his voluntary petition for Chapter 7 bankruptcy on January 24, 2013.
4. The Debtor has claimed the following property exempt pursuant to NRS § 21.090(1)(z). The Trustee has determined that the actual value of the property listed below is higher than originally scheduled and there is additional non-exempt property in the amount of \$1,637.77 that is subject to turn over to the estate.

	<i>Schedule B</i>	<i>Schedule C</i>	<i>Trustee Value</i>	<i>Not Exempt</i>
Bank of America	\$ 21.87	\$ 21.87	\$ 98.75	\$ 76.88
Silver State Schools CU	\$ 444.65	\$ 444.65	\$ 2,005.54	\$ 1,560.89
				<u>\$ 1,637.77</u>

5. The Debtor also did not schedule, nor claim exempt, a tax refund for 2012. On the date of filing, the Debtor was entitled to, but had not received, a refund for tax year 2012 in the amount of \$2,358.00. Therefore, the full amount of his refund for 2012 is subject to turn over to the estate.
6. Furthermore, the Trustee is entitled to 24/365ths of the Debtor's 2013 tax refund. This amount cannot be determined until the Debtor files his 2013 tax return. The Trustee requests that the Debtor be ordered to remit a copy of said return once it has been filed with the IRS.
7. The Trustee further alleges, based upon all of the files and records herein, and the above recitals, that the above-described additional personal property is not exempt property, and that the Trustee is entitled to an order for the turnover in the amount of \$3,995.77, plus 24/365ths of the Debtor's 2013 tax refund.

WHEREFORE, the Trustee prays that the Debtor be ordered to surrender to the above described non-exempt property to the estate within 30 days upon the entry of an Order from the Court; and for such other and further relief as is deemed appropriate by the court under the circumstances.

DATED this 17th day of March, 2014.

/s/ Forrest C. Allred

Forrest C. Allred,

Chapter 7 Trustee

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